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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,590	10/28/2003	Larry W. Stults	SMART1	5370

6980 7590 12/17/2004

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EXAMINER

GOINS, DAVETTA WOODS

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,590

Applicant(s)

STULTS ET AL.

Examiner

Davetta W. Goins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-137 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 34-137 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/04, 9/04, 4/04

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 46 recites the limitation "the voice" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 34-41, 43, 45, 47-53, 57-61, 63-66, 68-83, 87-95, and 97-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addy (US Pat. 6,028,513) in view of Tabe (US Pat. 6,762,686 B1).

In reference to claims 34, 45, 47, 48, 51-53, 57, 61, 65, 66, 71, 72, 78, 80-82, 87, 94, 97-100, 102, Addy discloses a) the claimed safety detector to detect a safety condition, which is met by alarm sensor 34 for sensing the presence of fire (col. 4, lines 17-36), b) the claimed transmitter to transmit a communication to a person, which is met by a central transmitter 16 for transmitting an alarm signal to 22 or 24 that can be adapted to be worn by persons requiring specialized attention (col. 4, lines 37-67; col. 6, lines 57-66), and c) the claimed processor functionally

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connected to the safety condition detector and transmitter for transmitting a first communication and a second communication, which is met by a controller 11 for processing signals received by the alarm sensors. The controller 11 activates a siren 18 (first communication) as well as broadcasting a signal via central transmitter 16 that will send a signal to alarm devices 22 or 24 (second communication) (col. 5, lines 44-67; col. 6, lines 57-67). Addy does not specifically disclose the claimed motion detector or the processor connected to the motion detector and causing the transmitter to perform at least one of transmitting a second communication or ceasing transmission of the first communication in response to the motion detector detecting motion. However, Addy discloses that alarm sensor 34 may detect unauthorized entry into a building and that the controller 11 includes a dialer 20 that will dial the fire or police department upon detecting an alarm event (col. 4, lines 17-21; col. 5, lines 44-67). Tabe discloses a system that detects smoke 2 within a home, after the smoke has been detected, the area will be monitored to clear any person who may still be inside the home 5. After a PIR 15 determines that a person is within the home 5, the PIR will then activate a reporter 50 to dial the proper authorities 35 (col. 7, lines 52-63; col. 8, lines 61-67; col. 9, lines 1-14). Since both Addy disclose systems that detect the presence of a fire and then transmit a signal to a remote location (fire department) and since Addy discloses that other detectors could be used to sense an event such as detecting entry into a building, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of providing a motion detector that will be operated in response to the fire detector, as disclosed by Tabe, and transmit an alarm to a person only after the motion has been detected, as a means for ensuring that all persons, even

those who are hearing impaired, are aware of the sensed alarm condition and have left the premises.

In reference to claims 35, 58, 89, Addy discloses the claimed transmitter transmits a tone of at least one of the first communication, which is met by alarm notification device 44 comprising a siren or equivalent audible means for indicating the occurrence of the alarm condition (col. 4, lines 17-36).

In reference to claims 36, 59, 90, Addy discloses the claimed transmitter transmitting a plurality of tones for at least one of the first communication or second communication, which is met by alarm notification device 44 comprising a siren or equivalent audible means for indicating the occurrence of the alarm condition (col. 4, lines 17-36). The alarm notification device in the bodily worn alarm can vibrate, provide audible, visual output, or provide visible beacon, siren (col. 6, lines 57-67; col. 7, lines 1-24).

In reference to claims 37, 38, 79, Addy discloses the claimed receiver to receive an alarm signal from a remote safety device; and wherein the processor is functionally connected to the receiver, and, in response to the receiver receiving the alarm signal, the processor causes the transmitter to transmit one of the first communication and second communication, which is met by central receiver 14 including controller 14, central transmitter 16 used to transmit a signal to the dialer 20, and alarm devices 22 or 24 (col. 5, lines 44-67).

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In reference to claims 39, 91, Addy discloses the claimed safety detector detecting at least smoke, or heat, which is met by alarm sensor 34 for detecting the presence of fire (col. 4, lines 17-36).

In reference to claims 40, 41, 60, 63, 92, Addy discloses the claimed first communication or second communication is at least one of audible communication, visual communication, or vibratory communication, which is met by the alarm notification device 44 emitting a siren or light source; alarm devices 22 or 24 emitting audible, visual or other sensory output, such as vibration (col. 4, lines 31-36; col. 5, lines 44-51).

In reference to claims 43, 95, Addy discloses the claimed at least one of first or second communication to alert the person to safety, which is met by the notification device 44 activated in a strobe or flashing fashion, thus providing guidance to occupants in their haste to escape the emergency (col. 6, lines 14-29).

In reference to claims 49, 70, 73, Addy discloses the claimed speaker, which is met by either siren 18 or notification device 44, which is a siren or equivalent audible means (col. 4, lines 31-39).

In reference to claims 50, 77, Addy discloses the claimed system is portable, which is met by the wireless alarm system 10 installed in a building 26 (col. 4, lines 13-16).

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In reference to claims 68, 69, 83, 88, 101, Addy discloses the claimed memory, wherein at least one of the first communication and second communication is stored audible communication selected from a plurality of stored names in the memory, which is met by the controller 11 activating the dialer 20 and broadcasting a signal in response to the alarm. The broadcast including information to identify the address, building, zone(s) of where the alarm condition has been detected (col. 6, lines 30-56).

In reference to claim 74, Addy discloses the claimed visual communication comprising a light, which is met by alarm notification device 44 including a light source (col. 4, lines 34-36).

In reference to claims 75, Addy discloses the claimed receiver connected to the remote device other than via cable, which is met by the alarm sensor 34 for detecting a fire is in wireless communication with the alarm notification device 44 (col. 4, lines 1-36).

In reference to claim 76, although Addy does not specifically disclose the claimed receiver connected to the remote device via cable, it is well known in the art to use cable for transmitting signals indicating sensed conditions to a receiver to ensure that the signals are directly being transmitted without interference or cross talk that can occur when using wireless signals.

5. Claims 42 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addy in view of Tabe as applied to claim 35 above, and further in view of Hajel (U.S. Pat. 5,867,105).

In reference to claims 42, 62, although neither Addy nor Tabe disclose the claimed first communication or second communication is to awaken a person, he does disclose an alarm device 22 or 24 that may issue a vibration to the wearer (col. 5, lines 44-51). Hajel discloses a wireless alarm system including units 10 that are secured in various locations of a dwelling to detect smoke and carbon dioxide. A transmitter unit 10 transmits an alarm signal to a receiving and alarm unit 30; the alarm unit 30 comprises a vibrator 40 to cause the person wearing the unit 30 to be aware of the alarm condition. The alarm unit can be attached to a bed or chair to shake the bed or chair (col. 2, lines 48-67; col. 3, line s1-15). Since both Addy and Tabe disclose units worn by a person that will vibrate after receiving a signal from a transmitter after a fire or smoke has been detected, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of awaking a person, such as attaching the vibrating unit to a bed, as disclosed by Hajel, or allowing Addy's unit to be worn by a sleeping person, to ensure that persons that are deaf will be alerted to the dangerous condition and to leave the premises.

6. Claims 44, 46, 54-56, 67, 84-86, 96, 103-137 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addy in view of Tabe as applied to claim 35 above, and further in view of Landais (US Pat. 6,384,724 B1).

In reference to claims 44, 46, 54-56, 67, 84-86, 96, 103-108, 110-121, 123-127, 130, 132, 134-137, although neither Addy nor Tabe discloses the claimed first or second communication providing an instruction or voice communication, Addy does disclose A transmitter unit 10 transmits an alarm signal to a receiving and alarm unit 30; the alarm unit 30 comprises a vibrator

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40 to cause the person wearing the unit 30 to be aware of the alarm condition. The alarm unit can be attached to a bed or chair to shake the bed or chair (col. 2, lines 48-67; col. 3, line s1-15). The notification device 44 activated in a strobe or flashing fashion, thus providing guidance to occupants in their haste to escape the emergency (col. 6, lines 14-29). Landais discloses a smoke alarm system comprising a vibration unit 16 that includes a message display 38 and vibrator 58 to alert the wearer of detected smoke within a building (col. 6, lines 8-64). Since Addy discloses a communication means that will provide strobing lights that will provide a guidance to an exit of a building, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of providing instructions, such as the messages displayed to the user of Landais, as well as using a voice instead of a siren, such that those that can hear and not see can be guided to the nearest exit of the building.

In reference to claims 109, 122, Addy discloses the claimed safety detector detecting at least smoke, or heat, which is met by alarm sensor 34 for detecting the presence of fire (col. 4, lines 17-36).

In reference to claims 128, 131, 133 Addy discloses the claimed speaker, which is met by either siren 18 or notification device 44, which is a siren or equivalent audible means (col. 4, lines 31-39).

In reference to claims 129, Addy discloses the claimed system is portable, which is met by the wireless alarm system 10 installed in a building 26 (col. 4, lines 13-16).

*Examiner Note: Although the combined references Addy, Tabe, and Landais disclose the claimed limitations of claim 106, it should be understood that this claim should be withdrawn from the application to prevent further restriction since the claimed limitations are different from the first embodiment of the invention. Claim 106 refers to specifically to transmitting a first and second voice to persons, wherein the first embodiment claims a system for detecting motion and a sensed condition (smoke) and then transmitting an alarm signal to a remote location.

7. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure as follows. Lang (US Pat. 5,737,692), Bruins et al. (US Pat. 5,907,279), and Shaffer (US Pat. 6,411,207 B2), which disclose personal alert devices.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 571-272-2957. The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAVETTA W. GOINS
PRIMARY EXAMINER



D.W.G.

December 10, 2004

Davetta W. Goins
Primary Examiner
Art Unit 2632